

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

LESLIE BARBER, ET AL.

Plaintiffs,

v.

PECO FOODS, INC.

Defendant.

C/A No: 7:06-cv-02054-LSC

DEFENDANT’S NOTICE TO THE COURT

In accordance with the Court’s Order of December 2, 2009 (Docket #112), Defendant Peco Foods, Inc. (“Defendant”), hereby notifies the Court that the parties have consulted and reached an agreement regarding the issues identified by Defendant in its Motion to Quash the Notice of 30(b)(6) Deposition and Requests for Production of Documents (Docket #110), which was filed on December 1, 2009. Accordingly, Defendant submits this notice that the Motion to Quash is withdrawn and/or moot and the Court can enter an order to that effect.

Defendant further submits this Notice is filed with the consent of counsel for the Plaintiffs.

Respectfully submitted this the 10th of December, 2009.

By: s/ Chris Lauderdale

D. Chris Lauderdale
Ellison F. McCoy
JACKSON LEWIS LLP
One Liberty Square
55 Beattie Place, Suite 800
Greenville, SC 29601
(864) 232-7000

L. Dale Owens
JACKSON LEWIS LLP
1900 Marquis One Tower
245 Peachtree Center Avenue, N.E.
Atlanta, GA 30303
(404) 525-8200
(404) 525-1173

ATTORNEYS FOR DEFENDANT

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

LESLIE BARBER, ET AL.

Plaintiffs,

V.

PECO FOODS, INC.

Defendant.

C/A No: 7:06-cv-02054-LSC

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed electronically this 10th day of December, 2009. Notice of this filing will be sent to opposing counsel by operation of the Court's electronic filing system.

s/ Chris Lauderdale

Dated this 10th day of December, 2009.